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JUN 10 2014

UNITED STATES DISTRICT COURT

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

FOR THE WESTERN DISTRICT OF LOUISIANA

BY: 

SHREVEPORT DIVISION

MICHAEL D. ELLIS

CIVIL ACTION NO. 13-2502-P

VERSUS

JUDGE STAGG

DALE N. MONTGOMERY, II., ET AL.

MAGISTRATE JUDGE HORNSBY

JUDGMENT


For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, and noting the lack of written objections filed by Plaintiff and determining that the findings are correct under the applicable law;

IT IS ORDERED that Plaintiff's civil rights claims seeking monetary damages for his allegedly unconstitutional conviction and sentence be **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. § 1915(e) until such time as the Heck conditions are met. **IT IS FURTHER ORDERED** that Plaintiff's civil rights claims against Dale N. Montgomery, II., District Attorney Charles Scott, and Unknown Assistant District Attorney be **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. § 1915(e). **IT IS FURTHER ORDERED** that Plaintiff's request for habeas relief be **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final

order adverse to the applicant. The court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, on this 10th
day of June 2014.



TOM STAGG
UNITED STATES DISTRICT JUDGE